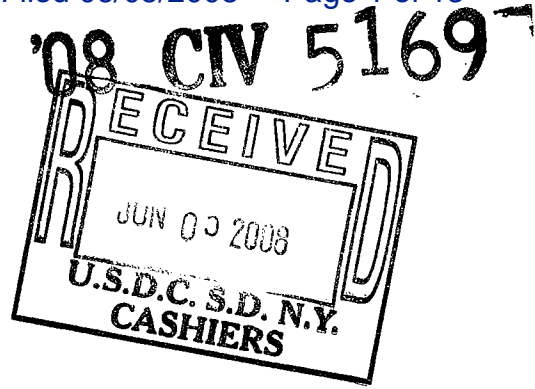


175542.1

Milton Springut, Esq. (MS6571)
 Tal S. Benschar, Esq. (TSB0838)
 KALOW & SPRINGUT LLP
 488 Madison Avenue
 New York, New York 10022
 Tel: (212) 813-1600
 Fax: (212) 813-9600



Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X	
VAN CLEEF & ARPELS LOGISTICS, S.A. and	:
VAN CLEEF & ARPELS, INC,	:
	:
Plaintiffs,	:
	:
v.	:
	:
VICCARIO FINE JEWELRY;	:
and JOHN DOES 1-10,	:
	:
Defendants.	:
-----X	

Civil Action

No.

COMPLAINT

Plaintiffs, complaining of defendants, through their undersigned counsel, hereby allege as follows:

NATURE OF THE CASE, JURISDICTION AND VENUE

1. This is an action for copyright and trade dress infringement for sale of jewelry items bearing copies of plaintiffs' proprietary jewelry designs.

2. This Court has subject matter jurisdiction over the claims in this action arising under the Copyright and Trademark Acts pursuant to 28 U.S.C. §§ 1331 and 1338.

3. This Court has subject matter jurisdiction over the claims in this action arising under state law pursuant to 28 U.S.C. §§ 1367 and 1338.

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and 1400.

THE PARTIES

5. Plaintiff Van Cleef & Arpels, S.A., is a corporation organized and existing under the laws of Switzerland, having an office and place of business at 8 Route de Chandolan, 1752 Villars-sur-Glane, Switzerland.

6. Plaintiff Van Cleef & Arpels, Inc. is a corporation organized and existing under the laws of the State of New York, having an office and place of business at 12 West 57th Street, New York, NY 10015. Van Cleef & Arpels, Inc. is a licensed importer of Van Cleef & Arpels brand products, and is the exclusive licensee for the sale of such products in the United States.

7. For the purposes of this Complaint, except where specified, the interests of plaintiffs Van Cleef & Arpels, S.A. and Van Cleef & Arpels, Inc. herein are as a practical matter identical, and they are hereinafter referred collectively and interchangeably as “Plaintiffs” or “VCA.”

8. Defendant Viccaro Fine Jewelry (“Viccaro”) is a business entity of unknown corporate character having an office and place of business at 784 Lexington Avenue, New York 10021. Defendant Viccaro is transacting and doing business in this judicial district and is subject to the personal jurisdiction of this Court.

9. Defendants John Does 1-5 (hereinafter “John Does”) are individuals who are officers or managing agents of Viccaro having an office and place of business at Viccaro, 784 Lexington Avenue, New York 10021, and are conscious dominant and active forces behind the wrongful acts of Viccaro complained of herein, which wrongful acts they have engaged in for

the benefit of Viccario and for their own individual gain and benefit. Defendants John Does 1-5 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

10. Upon information and belief, defendants John Does 6-10 are jewelers or other suppliers of infringing jewelry items to the named Defendants. Defendants John Does 6-10 are accordingly liable for copyright and/or contributory or inducement of copyright infringement and/or trade dress infringement. Defendants John Does 6-10 are transacting and doing business in this judicial district and are subject to the personal jurisdiction of this Court.

11. Defendants Viccario Fine Jewelry and John Does 1-10 are collectively referenced herein as “Defendant.”

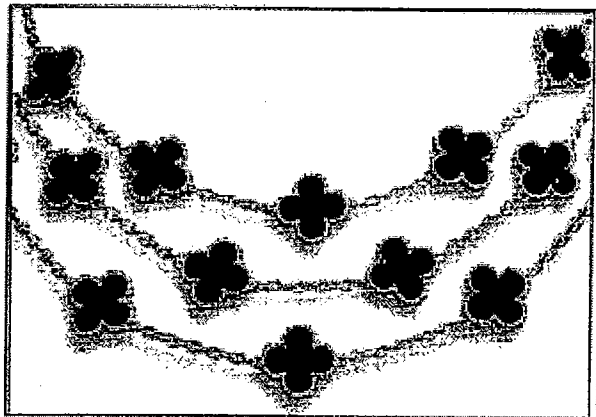
FACTS COMMON TO ALL COUNTS

The Van Cleef & Arpels Brand and Business

12. The Van Cleef & Arpels business has its origins in 1898, when Alfred Van Cleef married Estelle Arpels, and proceeded to open a jewelry business with her brothers at 22 Place Vendome in Paris. Plaintiffs and their affiliates and predecessors in interest are famous for the production of fine luxury watches and jewelry, innovation in watch and jewelry styles and designs, and introduction of new and important jewelry technologies, including the introduction of a patented invisible-setting technique in the 1930s. For many years, and long since before the acts of the Defendants complained of herein, VCA has been engaged in the manufacture and sale in interstate and intrastate commerce of high quality luxury watches and jewelry, rings and related goods (the “VCA Products”).

The Alhambra Jewelry Design

13. VCA is the owner of all rights, including the copyright, in the Alhambra Jewelry Design (hereinafter the “ALHAMBRA Jewelry Design”). That design appears thus:



14. The ALHAMBRA Jewelry Design is an original and creative work of VCA and its team of designers, and such design is validly protected by copyright. VCA is the owner of all rights in such design.

15. VCA owns Copyright Registration No. GP 101,958 for the ALHAMBRA Jewelry Design, which was first received by the Copyright Office on January 7, 1976. A copy of this registration is attached hereto and identified as Complaint Exhibit 1 (the “ALHAMBRA Jewelry Design Registration”).

16. On November 13, 2007 VCA recorded a document entitled “Second Statement Regarding Copyright Registration.” A copy of the November 15, 2007 recordation is attached hereto and identified as Complaint Exhibit 2.

The ALHAMBRA Trade Dress

17. VCA’s Alhambra Jewelry features a distinctive and unique combination of elements that collectively create a particular trade dress (the “ALHAMBRA Trade Dress”). The

ALHAMBRA Trade Dress consists of a collocation of design elements. The combination of all or almost all such elements together give the jewelry a distinct overall look and commercial impression making it instantly recognisable. Although these elements cannot be perfectly described in words, the following generally describes the elements of the ALHAMBRA Trade Dress:

A quatrefoil shaped ornament comprising:

1. four identical lobes;
2. each lobe having a semicircular shape;
3. the lobes having both left-right and top-bottom symmetry;
4. an outer band;
5. having a constant width;
6. the outer surface of the band defining the contour of the ornament;
7. the inner surface of the band defining an inner or central portion;
8. having four identical cusps (inner points of the lobes) which extend about half way into the ornament;
9. the inner portion;
10. having a quatrefoil shape defined by the inner surface of the outer band; and
11. which is either hollowed out or made of a single filling material, such as mother of pearl, onyx, lapis, diamonds or metal, and may include a small centered jewel.

18. The collocation of features set forth in the above paragraph herein constitutes a distinctive trade dress that has secondary meaning. This design has been extensively promoted by VCA in the United States and has achieved significant sales success. The public has come to recognize this design as distinctive of this line of VCA jewelry and as an indication of source of

such jewelry. The ALHAMBRA Trade Dress is thus a means by which VCA is known to the public and the trade as the sole source and origin of Alhambra jewelry.

19. The ALHAMBRA Trade Dress is in no way functional.

Defendants' Infringing Activities

20. Defendant has manufactured, sold, offered for sale and/or distributed copies of the ALHAMBRA Jewelry Design and products embodying the ALHAMBRA Trade Dress. Upon information and belief, Defendant has further manufactured, sold, offered for sale and/or distributed copies of other designs proprietary to VCA, which are protected by copyrights and/or trade dress rights.

21. Such activities were done willfully and knowingly, knowing that such jewelry was based upon designs copied from the ALHAMBRA Jewelry Design and, where applicable, that such products are confusingly similar to the ALHAMBRA Trade Dress.

22. No Defendant in this action has sought or received a license or authorization from the Plaintiffs for any purpose whatsoever, including for the acts described herein.

COUNT I

**COPYRIGHT INFRINGEMENT
17 U.S.C. § 501**

23. VCA repeats and reincorporates herein by reference each of the foregoing allegations.

24. Defendant has infringed upon VCA's copyrights in the ALHAMBRA Jewelry Design by reproducing such designs without authorization and distributing copies thereof by sale

and other means, and/or contributing to or inducing the reproduction and distribution of said design.

25. Defendant's copyright infringement, unless enjoined by this Court, will continue to cause VCA to sustain irreparable damage, loss and injury, for which VCA has no adequate remedy at law.

26. VCA has no adequate remedy at law and is suffering irreparable harm and damage as a result of the acts of Defendant as aforesaid in an amount thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

27. Defendant's trade dress infringement, unless enjoined by this Court, will continue to cause VCA to sustain irreparable damage, loss and injury, for which VCA has no adequate remedy at law.

COUNT II

TRADE DRESS INFRINGEMENT

15 U.S.C. § 1125(a)

28. VCA repeats and incorporates herein by reference each of the foregoing allegations.

29. Defendant has reproduced, copied and imitated the ALHAMBRA Trade Dress in designing certain of their jewelry in a manner that is confusingly similar to the distinctive trade dress of VCA.

30. Defendant's adoption and use of the ALHAMBRA Trade Dress constitutes trade dress infringement and upon information and belief, deliberate and willful violations of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125 (a).

31. The actions and conduct of Defendant complained of herein has damaged VCA and will, unless restrained, further impair, if not destroy, the value of the ALHAMBRA Trade Dress and the goodwill associated therewith.

32. Defendant's trade dress infringement has caused VCA to sustain monetary damage, loss and injury, in an amount to thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

COUNT III

COMMON LAW TRADE DRESS INFRINGEMENT AND UNFAIR COMPETITION

33. VCA repeats and incorporates herein by reference each of the foregoing allegations.

34. Defendant has reproduced, copied and imitated the ALHAMBRA Trade Dress in designing certain of their jewelry in a manner that is confusingly similar to the distinctive trade dress of VCA.

35. Defendant's actions constitute common law trade dress infringement and unfair competition.

36. The actions and conduct of Defendant complained of herein has damaged VCA and will, unless restrained, further impair, if not destroy, the value of the ALHAMBRA Trade Dress and the goodwill associated with them.

37. Defendant's trade dress infringement has caused VCA to sustain monetary damage, loss and injury, in an amount thus far not determined, but believed to be in excess of Twenty-Five Thousand Dollars (\$25,000).

38. Defendant's trade dress infringement, unless enjoined by this Court, will continue to cause VCA to sustain irreparable damage, loss and injury, for which VCA has no adequate remedy at law.

WHEREFORE, Plaintiffs demand:

1. That Defendant, its officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained from further copying or otherwise infringing upon Plaintiffs' copyrights identified herein.

2. That Defendant be required to deliver up to Plaintiffs for destruction any and all goods in their possession that infringe upon the copyrights identified herein.

3. That Defendant be required, pursuant to 17 U.S.C. § 504, to account to Plaintiffs for any and all profits derived by them, and for all damages sustained by Plaintiffs by reason of said Defendant's actions complained of herein, and/or statutory damages, which Plaintiffs may at a later time elect to recover.

4. That pursuant to 17 U.S.C. § 505, Plaintiffs have and recover from Defendant, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.

5. That Defendant, its officers, agents, servants, employees and attorneys, and those in active concert or participation with them or any of them, be permanently enjoined and restrained:

- (a) From using in any manner the ALHAMBRA Trade Dress, alone or in combination with any other words or designs, in manner likely to cause confusion, deception, or mistake on or in connection with advertising,

offering for sale or sale of any goods not manufactured by VCA, or not authorized by VCA to be sold in connection with their respective said marks;

- (b) From representing, suggesting in any fashion to any third party, or performing any act that may give rise to the belief that Defendant, or any of its goods, are authorized or sponsored by VCA;
- (c) From passing off, inducing or enabling others to sell or pass off any goods as products produced by Plaintiffs that are not in fact genuine VCA goods, or not produced under the control and supervision of VCA and approved by VCA and
- (d) From otherwise competing unfairly with Plaintiffs in any manner.

6. That Defendant be required to deliver up to Plaintiffs for destruction, any and all goods in their possession or under their control that were or are being advertised, promoted, offered for sale or sold in connection with the ALHAMBRA Trade Dress, whether alone or in combination with any words or designs.

7. That Defendant be required to deliver up to Plaintiffs for destruction, any and all catalogs, circulars and other printed material in its possession or under its control displaying or promoting the goods that were or are being advertising, promoted, offered for sale or sold in connection with the ALHAMBRA Trade Dress, whether alone or in combination with any words or designs.

8. That Defendant be ordered pursuant to 15 U.S.C. § 1116(a) to file, with the Court and serve upon Plaintiffs, within thirty (30) days of the entry of injunction prayed for herein, a

written report under oath or affirmed under penalty of perjury setting forth in detail the form and manner in which it has complied with permanent injunction.

9. That Defendant be required, pursuant to 15 U.S.C. § 1117, to account to Plaintiffs for any and all profits derived by it, and for all damages sustained by Plaintiffs by reason of Defendant's actions complained of herein, including an award of treble damages as provided for statute.

10. That Plaintiffs be awarded punitive damages.

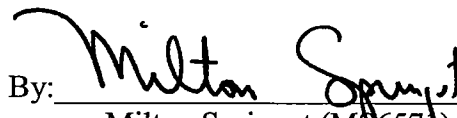
11. That Plaintiffs be awarded both pre-judgment and post-judgment interest on each and every damage award.

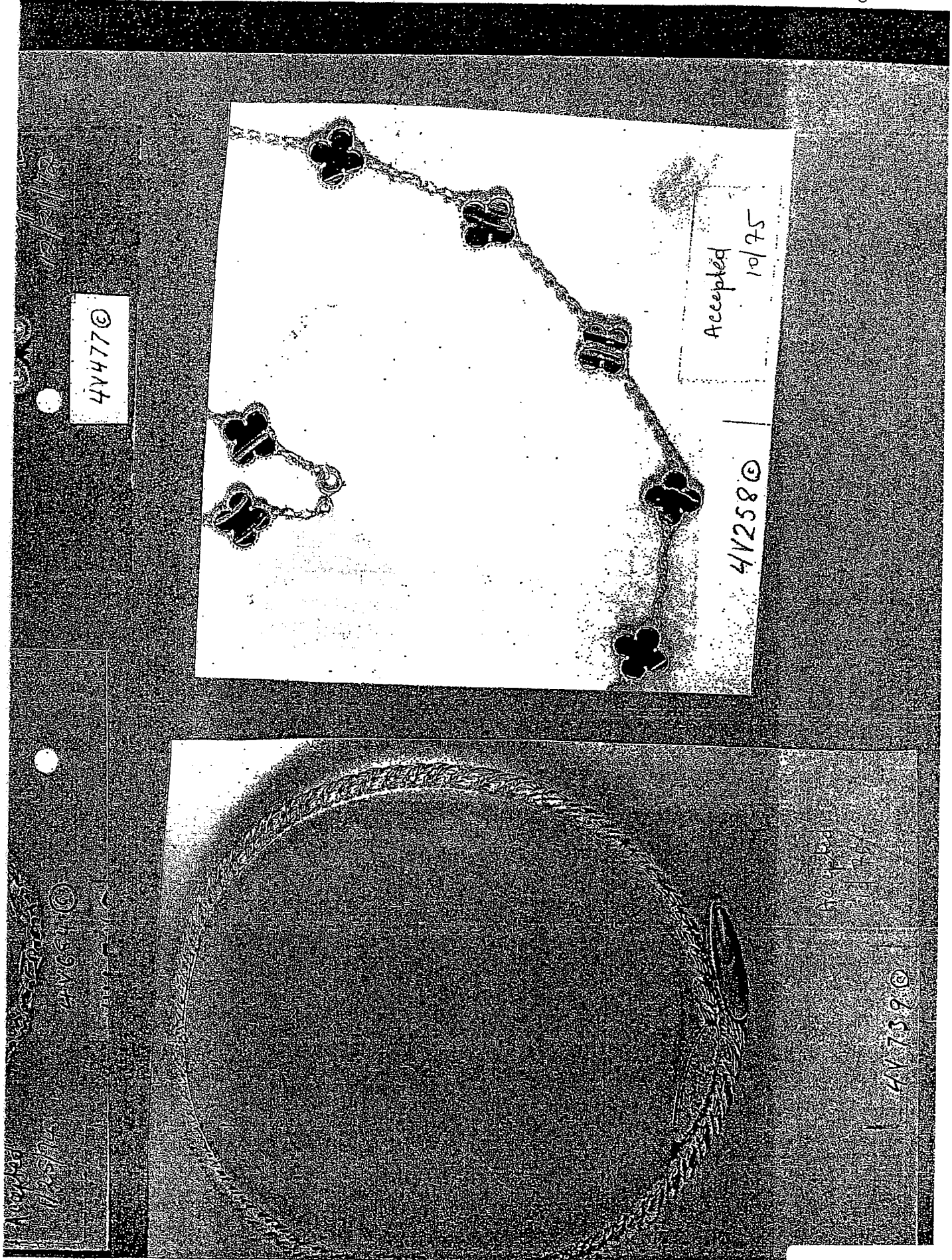
12. That pursuant to 15 U.S.C. § 1117, Plaintiffs have and recover from Defendant, Plaintiffs' reasonable attorneys' fees, costs and disbursements of this civil action.

13. That Plaintiffs have such other and further relief as the Court may deem just and proper.

Dated: June 4, 2008
New York, New York

KALOW & SPRINGUT LLP
Milton Springut, Esquire
Tal S. Benschar, Esquire
488 Madison Avenue, 19th Floor
New York, New York 10022

By: 
Milton Springut (MS6571)
Tal. S. Benschar (TSB0838)



**Document Cover Sheet**

UNITED STATES COPYRIGHT OFFICE

Copyright Office fees are subject to change.

For current fees check the Copyright Office website at www.copyright.gov, write to the Copyright Office, or call (202) 707-3000.

For best results, fill in the form on-screen and then print it.

For Recordation of Documents

Volume _____ Document _____

Volume _____ Document _____

Date of recordation M _____ D _____ Y _____
(ASSIGNED BY THE COPYRIGHT OFFICE)

Funds received _____

DO NOT WRITE ABOVE THIS LINE • SEE INSTRUCTIONS ON REVERSE

To the Register of Copyrights: Please record the accompanying original document or properly certified copy thereof.

1	First party name given in the document	Van Cleef & Arpels, Inc.
2	First title given in the document	(IMPORTANT: Please read instruction for this and other spaces.) "Alhambra" NECKLACE #4V258 -- Gold and Semi-Precious Stones
3	Total number of titles in the document	One
4	Amount of fee calculated	\$95
5	Fee enclosed	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money order <input type="checkbox"/> Fee authorized to be charged to Copyright Office deposit account Deposit account number _____ Deposit account name _____
6	Completeness of document	<input checked="" type="checkbox"/> Document is complete by its own terms <input type="checkbox"/> Document is not complete. Record "as is." IMPORTANT NOTE: A request to record a document "as is" under 37 CFR §201.4(c)(2) is an assertion that: (a) the attachment is completely unavailable for recordation; (b) the attachment is not essential to the identification of the subject matter of the document; and (c) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference to the attachment.
7	Certification of Photocopied Document	Complete this certification if a photocopy of the original signed document is substituted for a document bearing the actual original signature. NOTE: This space may not be used for documents that require an official certification. I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document. Signature <u>Milton Springut</u> Date <u>11/13/10</u> Duly authorized agent of <u>Van Cleef & Arpels, Inc.</u>
8	Return to:	Name <u>Milton Springut, Esq., KALOW & SPRINGUT LLP</u> Number/street <u>488 Madison Avenue</u> Apt/suite <u>1900</u> City <u>New York</u> State <u>NY</u> Zip <u>10022</u> Phone number <u>(212) 813-1600</u> Fax number <u>(212) 813-9600</u> Email <u>ms@creativity-law.com</u>

SEND TO: Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000
INCLUDE ALL THESE TOGETHER: (1) Two copies of this form; (2) payment from a deposit account or by check/money order payable to Register of Copyrights; and (3) your document.

COMPLAINT

EXHIBIT 1

Page 1

Application for Registration of a Claim to Copyright in a work of art or a model or design for a work of art

REGISTRATION NO.	
GP 101958	
DO NOT WRITE HERE	GU
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CLASS

G

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be SIGNED at line 11. For published works the application should not be submitted until after the date of publication given in line 6(a), and should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies.

Mail all pages of the application to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, together with:

(a) If unpublished, a photograph or other identifying reproduction of the work and the registration fee of \$6.

(b) If published, two copies of the best edition of the work (or if appropriate, photographs—see line 4) and the registration fee of \$6.

Make your remittance payable to the Register of Copyrights.

1. Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). For published works the name(s) should ordinarily be the same as in the notice of copyright on the copies deposited. If initials are used in the notice, the name should be the same as appears elsewhere on the copies.

Name VCA - Alternative designation for Van Cleef & Arpels, Inc.

Address 744 Fifth Avenue, New York, N.Y. 10019

Name

Address

2. Title: "Alhambra" NECKLACE # 4V258 - Gold & Semi-precious Stones
(Give the title of the work as it appears on the copies; a descriptive title may be used where the work is entirely pictorial or sculptural)

3. Nature of Work: Artistic Jewelry

(Characterize the general type of artistic work involved, as, for example, painting, drawing, sculpture, etc.)

NOTE: Leave line 4 blank unless the work has been PUBLISHED and photographs deposited in lieu of copies.

4. Optional Deposit: (See information on page 4.)

Basis for claiming option (Check and fill in ONE of the following):

☒ Monetary value (retail value per copy) abt. \$1,500. ☐ Weight (in pounds) _____

☒ Size (give dimensions) 33 ins. long ☐ Fragility (give details) _____

5. Author (i.e., Artist): Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. The citizenship of organizations formed under

U.S. Federal or State law should be stated as U.S.A. If the copyright claim is based on new matter (see line 7) give information about the author of new matter.

Name Van Cleef & Arpels, Inc. Citizenship USA
(Give legal name followed by pseudonym if latter appears on the copies) (Name of country)

Domiciled in U.S.A. Yes ☒ No ☐ Address 744 Fifth Avenue, N.Y., N.Y. 10019

NOTE: Leave all spaces of line 6 blank unless your work has been PUBLISHED.

6. (a) Date of Publication: Give the complete date when copies of this particular work were first placed on sale, sold, or publicly distributed. The date when copies were made or

printed should not be confused with the date of publication. NOTE: The full date (month, day, and year) must be given.

10/31/68
(Month) (Day) (Year)

(b) Place of Publication: Give the name of the country in which this particular work was first published.

(c) Manufacture Outside United States by Lithographic or Photoengraving Process: If the copies of this work were manufactured outside the United States by lithographic or photoengraving process, give the name of the country of manufacture.

USA

NOTE: Leave all spaces of line 7 blank unless the instructions below apply to your work.

7. Previous Registration or Publication: If a claim to copyright in any substantial part of this work was previously registered in the U.S. Copyright Office in unpublished form, or

if a substantial part of the work was previously published anywhere, give requested information.

Was work previously registered? Yes ☐ No ☐ Date of registration _____ Registration number _____

Was work previously published? Yes ☐ No ☐ Date of publication _____ Registration number _____

Is there any substantial NEW MATTER in this version? Yes ☐ No ☐ If your answer is "Yes," give a brief general statement of the nature of the NEW MATTER in this version. (New matter may consist of compilation, abridgment, editorial revision, and the like, as well as additional artistic or graphic material.)

EXAMINER
AB

Complete all applicable spaces on next page

VCA0005

8. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

9. Name and address of person ~~or organization~~ to whom correspondence ~~should be sent~~ if any, should be sent:

Name E. Gurin Address 744 Fifth Avenue, New York, N.Y. 10019

10. Send certificate to:

(Type or
print
name and
address)

Name	Evelyne Gurin		
Address	744 Fifth Avenue		
	(Number and street)		
	New York, N.Y.	10019	
	(City)	(State)	(ZIP code)

11. Certification:

(Application not
acceptable
unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



(Signature of copyright claimant or duly authorized agent)

Application Forms

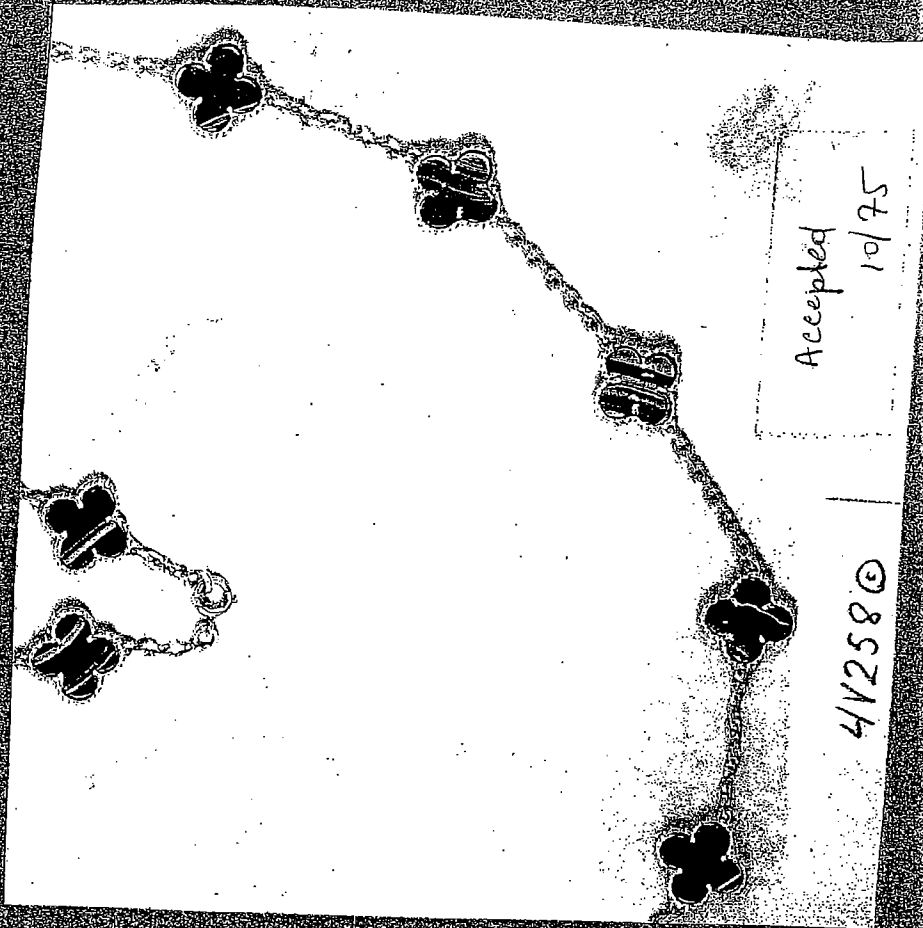
Copies of the following forms will be supplied by the Copyright Office without charge upon request:

- Class A Form A—Published book manufactured in the United States of America.
- Class A Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).
- Class A or B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.
- Class B Form B—Periodical manufactured in the United States of America.
- Class B Form BB—Contribution to a periodical manufactured in the United States of America.
- Class C Form C—Lecture or similar production prepared for oral delivery.
- Class D Form D—Dramatic or dramatico-musical composition.
- Class E Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.
- Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.
- Class F Form F—Map.
- Class G Form G—Work of art or a model or design for a work of art.
- Class H Form H—Reproduction of a work of art.
- Class I Form I—Drawing or plastic work of a scientific or technical character.
- Class J Form J—Photograph.
- Class K Form K—Print or pictorial illustration.
- Class K Form KK—Print or label used for an article of merchandise.
- Class L or M Form L-M—Motion picture.
- Class N Form N—Sound recording.
- Form R—Renewal copyright.
- Form U—Notice of use of musical composition on mechanical instruments.

FOR COPYRIGHT OFFICE USE ONLY		
Application received	Two copies received	Photographs or reproductions received
JAN 07 1976		OCT 1 1975
One copy or reproduction received		
Fee received		
125401 OCT 1 1975		
Renewal		

Accepted
12/25/74

4V477©

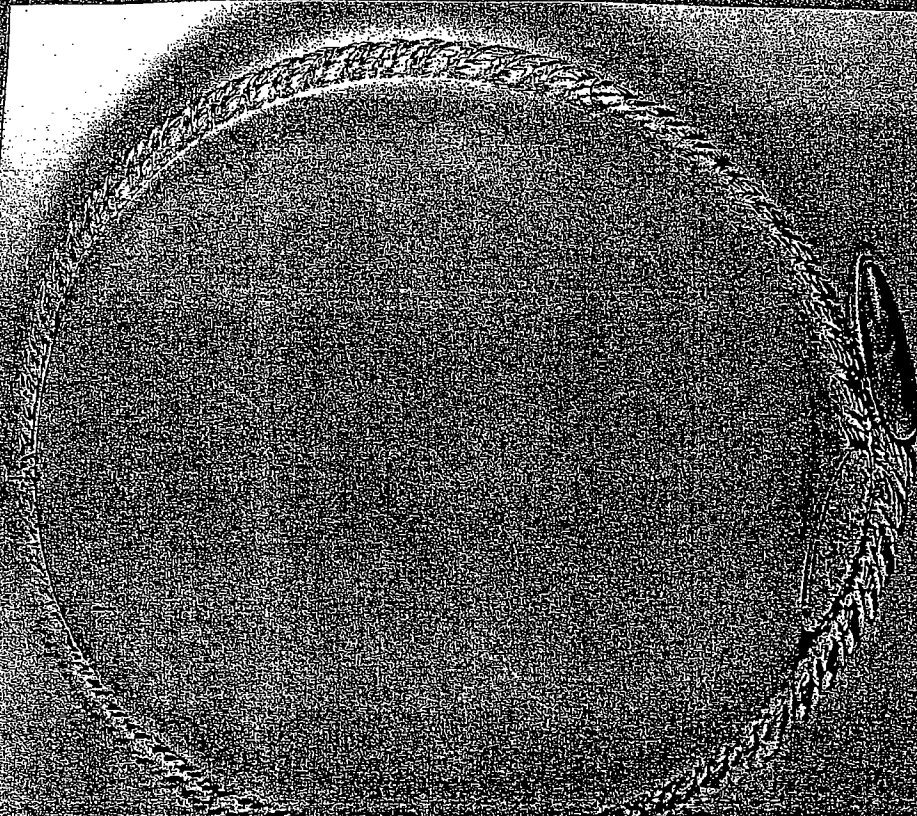


Accepted
10/75

4V258©

Accepted
11/25/74

4V654©



Accepted
11/25/74

4V739©

COMPLAINT

EXHIBIT 2

**Document Cover Sheet**

UNITED STATES COPYRIGHT OFFICE

Copyright Office fees are subject to change.
For current fees check the Copyright Office website at
www.copyright.gov, write to the Copyright Office,
or call (202) 707-3000.

For best results, fill in the form on-screen and then print it.

For Recordation of Documents

Volume _____ Document _____

Volume _____ Document _____

Date of recordation M _____ D _____ Y _____
(ASSIGNED BY THE COPYRIGHT OFFICE)

Funds received _____

DO NOT WRITE ABOVE THIS LINE • SEE INSTRUCTIONS ON REVERSE

To the Register of Copyrights: Please record the accompanying original document or properly certified copy thereof.

- 1** First party name given in the document Van Cleef & Arpels, Inc.
(IMPORTANT: Please read instruction for this and other spaces.)
- 2** First title given in the document "Alhambra" NECKLACE #4V258 -- Gold and Semi-Precious Stones
- 3** Total number of titles in the document One
- 4** Amount of fee calculated \$95
- 5** Fee enclosed ☒ Check ☐ Money order
☐ Fee authorized to be charged to Copyright Office deposit account

Deposit account number _____

Deposit account name _____

- 6** Completeness of document ☒ Document is complete by its own terms ☐ Document is not complete. Record "as is."
IMPORTANT NOTE: A request to record a document "as is" under 37 CFR §201.4(c)(2) is an assertion that: (a) the attachment is completely unavailable for recordation; (b) the attachment is not essential to the identification of the subject matter of the document; and (c) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference to the attachment.

- 7** Certification of Photocopied Document Complete this certification if a photocopy of the original signed document is substituted for a document bearing the actual original signature.
NOTE: This space may not be used for documents that require an official certification.

I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document.

Signature Milton Springut Date 11/13/10Duly authorized agent of Van Cleef & Arpels, Inc.

- 8** Return to:
- Name Milton Springut, Esq., KALOW & SPRINGUT LLP
- Number/street 488 Madison Avenue Apt/suite 1900
- City New York State NY Zip 10022
- Phone number (212) 813-1600 Fax number (212) 813-9600
- Email ms@creativity-law.com

SEND TO: Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000

INCLUDE ALL THESE TOGETHER: (1) Two copies of this form; (2) payment from a deposit account or by check/money order payable to Register of Copyrights; and (3) your document.

160192.1

SECOND STATEMENT REGARDING COPYRIGHT REGISTRATION

This statement is to correct and clarify certain information submitted to the Copyright Office by Van Cleef & Arpels, Inc. with respect to the copyright registration for the “Alhambra” Necklace #4V258 – Gold & Semi-Precious Stones, GP 101958, and the first “Statement Regarding Copyright Registration” which was recorded on December 13, 2006. (A copy of the latter is attached as Exhibit A).

The following items of information should be corrected or clarified:

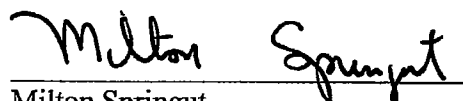
(1) On line number 6(a), the date of publication was identified in the original registration as “10/31/68.” This is correct. The statement recorded on December 13, 2006 that this date should have been identified as November 1970 is incorrect.

(2) On line number 6(b), the place of publication was identified as “USA” but should have been identified as France. This was already corrected in the statement recorded on December 13, 2006.

(3) On line number 5, the author was listed in the original registration as Van Cleef & Arpels, Inc. This statement was incorrect. The correct author is the *Société de Lapidaires et Professionnels de la Recherche Artistique*, also known as “SLEPRA.” That company was a French corporation, domiciled in France, having an address at 22 Place Vendôme, 75001 Paris, France.

(4) Van Cleef & Arpels, Inc., is a New York corporation having its place of business at 12 West 57th Street, New York, NY. Van Cleef & Arpels, Inc. is the assignee of the copyright from SLEPRA and is the current owner and claimant thereof.

November 13, 2007

A handwritten signature in black ink, appearing to read "Milton Springut", written over a horizontal line.

Milton Springut
Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, NY 10022

Duly Authorized Representative and
Agent of Van Cleef & Arpels, Inc.

EXHIBIT A



Certificate of Recordation

This is to certify that the attached document was recorded
in the Copyright Office on the date and in the place shown below.

This certificate is issued under the seal of the
United States Copyright Office.

DATE OF RECORDATION

13Dec06

VOLUME

DOC. NO.

3544

949

VOLUME

DOC. NO.

Margbeth Peters

Register of Copyrights and
Associate Librarian for Copyright Services

RECEIVED

DEC 13 2006

DOCUMENT SECTION



Document Cover Sheet

UNITED STATES COPYRIGHT OFFICE

For Recordation of Documents

Volume 3545 Document 949

Volume _____

Date of recordation ^M_{as}

DEC 13 2006

Funds received _____

DO NOT WRITE ABOVE THIS LINE - SEE INSTRUCTIONS ON REVERSE

To the Register of Copyrights: Please record the accompanying original document or properly certified copy thereof.

- 1 First party name given in the document Van Cleef & Arpels, Inc.
(IMPORTANT: Please read instruction for this and other spaces)
- 2 First title given in the document "Alhambra" NECKLACE #4V258 - Gold & Semi-Precious Stones
- 3 Total number of titles in the document One
- 4 Amount of fee calculated (As previously paid)
- 5 Fee enclosed
☐ Check ☐ Money order
☐ Fee authorized to be charged to Copyright Office deposit account
 *Apply fee from Control No. 11-300-4373(K)
 Deposit account number _____
 Deposit account name _____
- 6 Completeness of document
☒ Document is complete by its own terms ☐ Document is not complete. Record "as is."
IMPORTANT NOTE: A request to record a document "as is" under 37 CFR §201.4(c)(2) is an assertion that: (a) the attachment is completely unavailable for recordation; (b) the attachment is not essential to the identification of the subject matter of the document; and (c) it would be impossible or wholly impracticable to have the parties to the document sign or initial a deletion of the reference to the attachment.
- 7 Certification of Photocopied Document Complete this certification if a photocopy of the original signed document is substituted for a document bearing the actual original signature.
NOTE: This space may not be used for documents that require an official certification.
 I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document. Executed on 11/28/06
 Signature Milton Springut
 Duly authorized agent of Van Cleef & Arpels, Inc.
- 8 Return to:
 Name Milton Springut, Esq., Kalow & Springut LLP
 Number/street 488 Madison Avenue Apt/suite 1900
 City New York State NY Zip 10522
 Phone number (212) 813-1600 Fax number (212) 813-9600
 Email ms@creativity-law.com

SEND TO: Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000
 INCLUDE ALL THESE TOGETHER: (1) Two copies of this form; (2) payment from a deposit account or by check/money order payable to Register of Copyrights; and (3) your document.

Document Cover Sheet • Basic Information

Read all of the instructions below before completing this form. Use of the Document Cover Sheet is optional but encouraged.

When to use this form Use the Document Cover Sheet when you are submitting a document for recordation in the U.S. Copyright Office.

Mailing requirements It is important to send the original cover sheet and one copy of the cover sheet for each document that is being submitted for recordation. The two copies of the Document Cover Sheet, the document, and the fee must be sent together in the same envelope or package. The Copyright Office cannot process them unless they are received together. Send to: *Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000*

Cover sheets should be typed or printed and should contain the information requested so that the Copyright Office can process the document and return it. Be sure to complete space 8 so that the recorded document can be returned. The Copyright Office will process the document based on the information in the document or an attachment that is part of the document. Information for indexing will not be taken from the Document Cover Sheet or attachments that were not part of the document when it was executed (signed). To be recorded, the document must satisfy the recordation requirements of the copyright law and Copyright Office regulations.

The person submitting a document with a cover sheet is solely responsible for verifying the correctness of the cover sheet and the sufficiency of the document. Recording a document submitted with or without a cover sheet does not constitute a determination by the Copyright Office of the document's validity or effect. Only a court may make such a determination.

When a Document Cover Sheet is submitted, it will be imaged with the document as part of the public record.

PRIVACY ACT ADVISORY STATEMENT (Required by the Privacy Act of 1974 (P.L. 93-579)): The authority for requesting this information is title 17 USC, sec. 205. Furnishing the requested information is voluntary. But if the information is not provided, it may be necessary to delay recordation.

The principal uses of the requested information are the establishment and maintenance of a public record and the evaluation for compliance with the recordation requirements of section 205 of the copyright code. Other routine uses include public inspection and copying, preparation of public indexes, preparation of public catalogs of copyright recordations, and preparation of search reports upon request.

NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this cover sheet.

Space-by-Space Instructions

Space 1: First party given in the document This information is only used to connect the Document Cover Sheet and the document if they become separated. No information is entered in the catalog record from this space.

Space 2: First title given in the document This information is only used to connect the Document Cover Sheet and the document if they become separated. No information is entered in the catalog record from this space.

Space 3: Total number of titles in the document The total number of titles (including a.k.a. and other variant titles of a work) determines the recordation fee. In the case of multiple title documents, titles that are repeated in documents are counted as a single title, except where the document lists different issues, volumes, episode numbers, etc. following each title. Each such entry is regarded as a separate title and will be indexed separately and counted separately when computing the fee for recording the document. The Copyright Office verifies title counts.

Space 4: Amount of fee calculated There is a basic fee for recording a document containing one title. There is an additional charge for each group of up to 10 additional titles. "Alternative" titles, "formerly-known-as" titles, and "also-known-as" titles are considered to be extra titles. Titles are counted by groups. If there are fewer than 10 titles in a group, the fee for a group still applies. Copyright Office fees are subject to change. For current fees, check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000. Please remember that the fee is based on the number of titles in a document, not the number of works.

Space 5: Fee enclosed Check the appropriate box. If a Copyright Office deposit account is to be charged, give the Copyright Office

deposit account number and name. The Office only accepts domestic money orders and checks payable through a U.S. bank with American Bankers Association routing numbers. International and postal money orders are not accepted.

Space 6: Completeness of document Check the appropriate box. Please read the "Important note" if checking "Record 'as is.'" All documents recorded under §205 of the Copyright Act must be complete by their own terms to be recorded. Notices of termination recorded under §203, §304(c), and §304(d) must be complete and exact duplicates of the notices as served. Please refer to Copyright Office regulations in Chapter 37 CFR §201.4 and §201.10 and Circular 12, *Recordation of Transfers and Other Documents*, for more information.

Space 7: Certification of photocopied documents Complete this section only if submitting a photocopied document in lieu of a document bearing the actual original signature. If a photocopy of the original signed document is submitted, it must be accompanied by a sworn certification. A sworn certification signed by at least one of the parties to the document or that party's authorized representative (who is identified as such at space 7) will satisfy that requirement. The date entered in the date field should be the date you sign the Document Cover Sheet. Copies of documents on file in a federal, state, or local government office must be accompanied by an original official certification.

Space 8: Return to Give the name and address of the person to whom the recorded document should be returned. The Copyright Office does not maintain paper files of recorded documents. The documents are imaged and returned to the person or firm designated in this space. Please include telephone number, fax number, and email address in case we need to contact you.

V3544 D949



135941.2

STATEMENT REGARDING COPYRIGHT REGISTRATION

In the copyright registration for the "Alhambra" Necklace #4V258 – Gold & Semi-Precious Stones, GP 101958, the following errors were made: (1) on line number 6(a), the date of publication was identified as "10/31/68" but should have been identified as November 1970; and (2) on line number 6(b), the place of publication was identified as "USA" but should have been identified as France. This document is submitted to correct these errors. Attached as Exhibit A is a copy of a Form CA that is dated November 28, 2006 and lists these two errors.

December 13, 2006

A handwritten signature in black ink, appearing to read "Scott D. Locke", written over a horizontal line.

Scott D. Locke, Esq.

Kalow & Springut LLP
488 Madison Avenue, 19th Floor
New York, NY 10022

Duly Authorized Representative and
Agent of Van Cleef & Arpels, Inc.

V3545 D949 Page 1

EXHIBIT A

V3545 D949 Page 2

FORM CA RECEIVED

FORM CA

NOV 06 2006

NOV 30 2006

FUNDS RECEIVED DATE

NOV 06 2006

EXAMINED BY

CORRESPONDENCE ☐REFERENCE TO THIS REGISTRATION ADDED TO
BASIC REGISTRATION ☐ YES ☐ NOFOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Continuation of: ☒ Part B or ☐ Part C

Line Number: 6(b) Line Heading or Description: Place of Publication

Incorrect Information as It Appears in Basic Registration
USACorrected Information
FranceExplanation of Correction
Investigation determined that the place of publication was not accurate.

Correspondence: Give name and address to which correspondence about this application should be sent.

Milton Springut, Esq.
Kalow & Springut LLP
488 Madison Avenue, 19th Floor, New York, NY 10022

Phone (212) 813-1600

Fax (212) 813-9600

Email ms@creativity-law.com

Deposit Account: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name _____

Account Number _____

Certification* I, the undersigned, hereby certify that I am the: (Check only one)

☐ author☐ owner of exclusive right(s)☐ other copyright claimant☒ duly authorized agent of Van Cleef & Arpels, Inc.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name ▼ Milton Springut

Date ▼ October 31, 2006

Handwritten signature (X) ▼

Milton Springut

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

Milton Springut, Esq.

Number/Street/Apt ▼

Kalow & Springut LLP, 488 Madison Avenue, 19th Floor

City/State/ZIP ▼

New York, NY 10022

YOU MUST:

- Complete all necessary spaces
- Sign your application in Space F

SEND ALL ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights

MAIL TO:

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6000

*17 USC §506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.



Form CA
For Supplementary Registration
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX	TXU	PA	PAU	VA	VAU	SR	SRU	RE
----	-----	----	-----	----	-----	----	-----	----

EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Title of Work ▼

"Alhambra" NECKLACE #4V258 - Gold & Semi-Precious Stones

Registration Number of the Basic Registration ▼
GP 101958

Year of Basic Registration ▼
1975

Name(s) of Author(s) ▼

Van Cleef & Arpels, Inc.

Name(s) of Copyright Claimant(s) ▼

Van Cleef & Arpels, Inc.

Location and Nature of Incorrect Information in Basic Registration ▼

Line Number 6 (a)

Line Heading or Description

Date of Publication

Incorrect Information as It Appears in Basic Registration ▼

10/31/68

Corrected Information ▼

November 1970

Explanation of Correction ▼

Investigation determined that the date of publication was not accurate.

Location and Nature of Information in Basic Registration to be Amplified ▼

Line Number

Line Heading or Description

Amplified Information and Explanation of Information ▼

MORE ON BACK ▶

- Complete all applicable spaces (D-G) on the reverse side of this page.
- See detailed instructions. - Sign the form at Space F.

DO NOT WRITE HERE
Page 1 of _____ pages

VCA 0518

**Document Cover Sheet**

UNITED STATES COPYRIGHT OFFICE

For Recordation of Documents

Volume _____ Document _____

Volume _____ Document _____

Date of recordation M _____ D _____ Y _____
(ASSIGNED BY THE COPYRIGHT OFFICE)

Funds received _____

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 I declare under penalty of perjury that the accompanying document is a true and correct copy of the original document. Executed on 6/28/08
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 Duly authorized agent of Van Cleef & Arpels, Inc.
- 8** Return to: Name Milton Springut, Esq., Kalow & Springut LLP
 Number/street 488 Madison Avenue Apt/suite 1900
 City New York State NY Zip 10522
 Phone number (212) 813-1600 Fax number (212) 813-9600
 Email ms@creativity-law.com

SEND TO: Library of Congress, Copyright Office, Documents Recordation Section, 101 Independence Avenue SE, Washington, DC 20559-6000
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